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Attorney Docket No.: 2046/48639
PATENT

AF11733\$

GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Gregor Schwegler

Serial No.: 09/486,264

Group Art Unit: 1733

Filed: May 12, 2000

Examiner: T. Kilkenny

For: REINFORCEMENT DEVICE FOR SUPPORTING STRUCTURES

REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION
DATED JUNUARY 17, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

MPEP §706.07(a) provides that "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in" certain information disclosure statements (emphasis added). The new rejection of claim 14 set forth in section 6 on pages 3-4 of the Office Action dated January 17, 2003, based partially on U.S. Patent 4,966,802 to Hertzberg, was neither necessitated by any amendment of claims nor based on information submitted in any information disclosure statement. It follows that the Office Action dated January 17, 2003 was prematurely made final, and that the finality of that Office Action should be withdrawn.

Respectfully submitted,

Date: May 19, 2003

Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy